



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,975	01/29/1999	NAOKI MITSUISHI	HIT-2-010-1-	8031

24956 7590 09/09/2004

MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
----------	--------------

2188

DATE MAILED: 09/09/2004

39

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,975

Applicant(s)

MITSUISHI, NAOKI

Examiner

Reginald G. Bragdon

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on 06 July 2004, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Specification

2. The disclosure is objected to because of the following informalities:

On page 8, line 1, "call a" should be --a call--.

Appropriate correction is required.

Claim Objections

3. Claims 31-34 are objected to because of the following informalities:

As per claim 31, line 4, --(EEPROM)-- should be added after "ROM".

As per claim 31, lines 8, 11, 17, 21, 22, and 24, "ROM" should be --EEPROM--.

Art Unit: 2188

As per claim 33, line 3, --mask-- should be added before "ROM".

As per claim 34, lines 4 and 6, "ROM" should be --EEPROM--.

All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 31-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. As per claim 31, in lines 18-21, Applicant sets forth that the first program (i.e. the program executing on the EEPROM or user program in the specification) includes an instruction which changes a process of the CPU to a process that controls writing of EEPROM using the second program (i.e. the write control program) stored in the second memory.

In the specification this process is set forth generally at page 6 (lines 10-12) where a program controlling execution of the CPU is transferred to mask ROM 3 by a call instruction at the time of a write operation. This call instruction can be written into the EEPROM 4 (instead of

Art Unit: 2188

including the entire write control program in the EEPROM). See page 6, lines 15-17. Figure 5 further explains this process where in step S1 to preserve data Dx (emphasis added) in the EEPROM (see page 7, last paragraph). It is noted that there is no discussion at this point of writing any portion of the actual “first program”, only writing of data.

At page 9, starting at the second full paragraph, Applicant sets forth that the user program (“first program”) can be directly written from outside. In describing the process of writing the actual user program (i.e. not the writing of data), there is no mention of a call instruction, instead it is described (on page 9, second full paragraph) how the CPU is stopped by an external control to effect the writing of the user program.

Applicant’s claim 31 sets forth that the write control circuit performs writing of the first program or the data to the ROM using the CPU (lines 7-9). Lines 18-21, Applicant sets forth that the first program (i.e. the program executing on the EEPROM or user program in the specification) includes an instruction which changes a process of the CPU to a process that controls writing of EEPROM using the using the second program (i.e. the write control program) stored in the second memory. This limitation is not specific to as to whether the writing to the ROM is for the first program or the data and therefore covers writing the first program or the data. However, *Applicant does not have support for writing the first program to the ROM using an instruction which changes a process of the CPU to a process that controls a writing of the ROM based on the second program, the instruction included in the first program.*

7. As per claim 31, line 26, Applicant sets forth writing “significant amounts of the first program”. However, there is no mention of how much of the first program is written from an exterior data source in the specification (see page 9, second full paragraph).

Art Unit: 2188

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

All "OFFICIAL" patent application related correspondence transmitted by FAX must be directed to the central FAX number at **(703) 872-9306**:

"INFORMAL" or "DRAFT" FAX communications may be sent to the Examiner at **(703) 746-5693** (after October 14, 2004, the "INFORMAL" or "DRAFT" FAX number will be 571-273-4204), only after approval by the Examiner.

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Fourth Floor (receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (703) 305-3823 (after October 14, 2004, the telephone number will be 571-272-4204). The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (703) 306-2903 (after October 14, 2004, the telephone number will be 571-272-4210).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RGB
September 6, 2004

Reginald G. Bragdon

Reginald G. Bragdon
Primary Patent Examiner
Art Unit 2188

Mano Padmanabhan
9/7/04

**MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER**